

District I Advisory Board Minutes

March 6, 2017

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The District I Advisory Board meeting was held at 6:30 p.m. at the Atwater Neighborhood Resource Center located at 2755 E. 19th St. N., Wichita, KS, 67214. Twelve board members, eight staff and thirteen members of the public were present.

Members Present

Lavonta Williams
Prisca Barnes
Beverly Domitrovic
Dan Heflin
Brandon James
Brandon Johnson
Aaron Mayes
James Roseboro
James Thompson
Janet Wilson
Bill Wynne
Jianna Cousin-Youth Member

Staff Present

Lt. G.K. Johnson, WFD
J. Bruster, WFD
B. Powell, WFD
Officer A. Recio, WPD
Officer S. Thornton, WPD
Officer C. Burnett, WPD
Dale Miller, MAPD
Kameelah Alexander, OCS

Members Absent

Guests

Listed on last page

Order of Business

Call to Order

Meeting was called to order

Approval of Agenda

Motion to approve the agenda

Motion by Roseboro/James, carried 9:0.

Approval of Minutes

Motion to approve the minutes

Motion by Roseboro/Thompson, carried 9:0.

Public Agenda

1. Scheduled Items

No Items

2. Off Agenda Items

No Items

Staff Reports

3. Fire Report

Lt. G.K. Johnson, Station 10, shared that in February there were no incidents to report. March 12th is the time to move clocks forward an hour and change batteries in smoke detectors. The Citizen Academy is active.

Recommended Action: Receive and file

4. Police Report

Officer A. Recio, Patrol South, shared stats of 1-aggr. assault, 1-robbery, 1-residential burglary, 6-non-residential burglaries, 12-auto thefts and 33-larcenies

Officer S. Thornton, Patrol East, shared stats comparing last year's data to this year's data. It was also stated that in 2016, 184 dog bites were reported.

Officer C. Burnett, Patrol North, shared information about a shooting near 17th and Erie and reminded everyone about the Law Enforcement Parade on April 8, 2017.

Q: Is there an update on the Dollar General robbery? A: Still looking for a suspect.

Recommended Action: Receive and file

5. **Library Report**

Anne Ethen provided information on the Annual Adult Winter Reading –that continues through March 12th with 1460 books logged, 1000 books before Kindergarten began January 3rd, 795 children have signed up and have logged 26505 books, and Candid Conversations are continuing. Branch Library news was also provided.

Recommended Action: Receive and file

6. **Park & Recreation Report**

No Report

Recommended Action: Receive and file

New Business

7. **Request for Resolution of Support for Application for Housing Tax Credits (Rushpointe II)**

John Hall, Housing and Community Services Department, will present this information.

The proposed Rushpointe II housing project is to be developed at 124 W. 10th Street and 6908 E. 32nd Street North. According to the applicant, the proposed project will include a total of 24 housing units. The project will provide for eight apartment suites within a newly constructed building at 124 W. 10th Street, and 16 apartment suites within two newly constructed buildings at 6908 E. 32nd Street North, designed for individuals with disabilities.

Recommendations/Actions: It is recommended that the District Advisory Board approve a recommendation for adoption of the Resolution of Support for the HTC application, waiving the 20% market-rate unit requirement.

Housing update: a resolution of support is requested

Questions from DAB:

Q: How does the 20% market rate work?

A: Details provided in the report.

Q: What is the rent ratio between District 1 and District 6?

A: Same rental rates.

Q: How long does the 20% market-rate last?

A: It aligns with the deed restrictions (about 30 years).

Questions from Public:

Q: Is the 20% market-rate unique to Wichita?

A: Yes it is.

Action Taken: James/Roseboro made a motion to recommend a Resolution of Support for the Housing Tax Credit application. Motion carried 9:0.

DAB Member Prisca Barnes arrived.

8. **CON2016-00047 LC Limited Commercial (GO) subject to Protective Overlay PO #134**
Dale Miller, Metropolitan Area Planning Department, will present this request. The applicant is requesting an amendment to Protective Overlay #134 ("PO" #134) on the undeveloped LC Limited Commercial ("LC") zoned property located on the southeast corner of East Central Avenue and North Vassar Avenue. Provision B. of PO #134 states that:
- B. Even though the property is zoned LC, the property would be restricted to uses permitted by right in the Neighborhood Retail ("NR") district as follows: single-family; duplex; multi-family; accessory apartment; assisted living; church; day care, limited and general; library; utility, minor; automated teller machine; bed and breakfast inn; medical service; office, general; parking area, commercial; agriculture; personal care service; personal improvement service and a restaurant that exceeds 2,000 square feet. No sound amplification systems for projecting music or human voice shall be permitted on the property. No menu or order boards are permitted. Drive-through service is permitted but is restricted to a pick-up window only.

The applicant proposes to allow a sound amplification systems for projecting the human voice and an outdoor menu board, which is prohibited in PO #134, thus the proposed amendment. The result of the proposed amendment would be a drive-through restaurant. The applicant's elevation shows the restaurant as being one of several tenants of a commercial strip building.

On December 5, 2016, District Advisory Board (DAB) I reviewed the request. As at MAPC, there were neighbors present who spoke in opposition and raised concerns cited above. The action of DAB I was to recommend approval 8-3 provided the applicant and the neighbors could reach agreement on the neighbors' concerns. The two parties were not able to reach an agreement; therefore, the request is scheduled for DAB I reconsideration on March 6, 2017.

RECOMMENDATION: There has been no change to the development pattern in the area located east of the Hillside – Central Avenues intersection since the 2012 zoning case, ZON2012-00014. The proposed amendment disrupts that development pattern by proposing a more intense commercial use into an established and well maintained single-family residential neighborhoods.

Based upon information available prior to the public hearings, planning staff recommends that the request for the amendment that would allow a restaurant with an order board and a sound amplification system for projecting the human voice allowing drive through service be DENIED based on 5 findings.

However, if the MAPC finds the proposed amendment to allow a sound amplification systems for projecting the human voice and an outdoor menu board for a drive-through restaurant appropriate they must provide findings to support the amendment.

Comments from Paul Gray (agent):

- There was no room to negotiate the menu board
- Concerns of traffic: will come with the nature of the current zoning
- Concern of noise from neighbors: applicant is willing to offer compromise of touch screen menu board

Questions from DAB to Paul Gray (agent) and MAPD Staff:

Q: Did you bring up touch screen menu board with neighbors?

A: Yes

Q: Have plans been resolved for trash, landscape buffer and traffic plan?

A: MAPD Staff: Dale-this will be worked out after approval. Details would be worked out by time it went to City Council

Comment: So the neighborhood would not see the final plans before City Council

Q: Did you get price quotes to change left signaling on Central?

A: No conversation will take place about this matter unless the zoning case is approved.

Question from public to Paul Gray (agent):

Q: How will the landscaping and trash be installed?

A: Menu board would be limited in size. Signage will go the City for approval. Trash will be screened. Landscaping is typically nice.

Q: How will you address traffic concerns on Vassar?

A: The risk is the same in any area of town.

Question from DAB to Paul Gray (agent):

Q: Are you officially withdrawing your request for sound amplification?

A: Yes

Public Comments:

- Thanks to Mr. Gray for withdrawing your request for sound amplification.
- The neighborhood association does not agree with any sign board because of the nature of drive thru traffic generation.
- College Hill is considered an area of stability with home ownership acknowledged by the City of Wichita. Please do not put in a drive thru restaurant directly affecting three residential homes.
- The petition is to protect the protective overlay.
- The 2012 site plan/drawing is not what is currently proposed; the traffic flow has now changed from Central to Vassar.
- If the protest is not supported please honor the wall separating the business from the residents.

Question from DAB to Patricia Hileman (College Hill Neighborhood Association President):

Q: What about the protest percentage?

A: Some of the petitions could not get signed due to rental homes requiring the signature of the homeowner; however our percentage is more than the required amount.

Q: You are asking for a no-vote because of the wall and other protections?

A: Yes, because of the implementation of a sign board. We are thinking of a precedent for future businesses.

Question from DAB to MAPD Staff:

Q: Is there a precedent status?

A: The standard principle is that you treat similar property the same.

Q: Do we have any idea of the traffic difference between menu boards or not?

A: No, traffic department would have to follow-up.

Q: How does withdrawing the request for sound amplification change MAPD's opinion?

A: It would change significantly.

Q: Refresh us of the current drive-thru now?

A: Any limited commercial does not have this protective overlay typically.

Q: Traffic concern?

A: Impact on Central is minute/insignificant compared to other business but Vassar could be significant.

Question from public to MAPD Staff:

Q: Can screening or landscaping be increased?

A: Original requirement is still in place with the screening you prefer.

Q: Original protective overlay was approved around April 2004? This would now be the 2nd stripping of the protective overlay and nothing economically has changed correct?

A: Correct.

Q: If there was a change in the intersection on Central, who would pay for that?

A: The agent or who he represents.

Q: Can another request be made for sound amplification in the future?

A: Yes.

DAB Concern:

- How can traffic be addressed without more details that are not legally required to be provided by the agent/applicant at this time?

Planning Staff, Dale Miller, was available for responses.

Action Taken: Thompson/Mayes made a motion to recommend that City Council deny the Zoning request to amend the Protective Overlay #134. Motion carried 7:3.

9. CON2016-00064 LC Limited Commercial and B Multi-Family to Conditional Use to build ancillary, off-street parking for redeveloped commercial buildings on East Douglas.

Dale Miller, Metropolitan Area Planning Department, will present this request. The applicant is requesting a Conditional Use to build ancillary, off-street parking for two redeveloped commercial buildings on property zoned LC Limited Commercial and B Multi-Family. The site is located on the north side of the alley north of the 2200 block of East Douglas Avenue. The redeveloped properties are located at 2202 East Douglas Avenue and 114 North Madison Avenue. The commercial buildings are contributing structures in the Ash Grove Historic District and are listed in the Register of Historic Kansas Places and the National Register of Historic Places.

Residential uses developed with single-family residences are located north of the subject property. Property to the east and west are zoned LC Limited Commercial and are developed with one- and two-story commercial brick buildings. South of the site is East High School zoned LC and SF-5 Single-Family Residential.

RECOMMENDATION: Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: licensing requirements, building, fire and utility regulations or codes.
2. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Questions from DAB:

Q: Any ideas of what the development will be?

A: No.

Q: If the map is correct, what about the concrete building that sits on the property?

A: Not sure if demolishing will take place.

Planning Staff, Dale Miller, was available for responses.

Action Taken: Domitrovic/James made a motion to recommend that MAPC approve the Conditional Use request. Motion carried 10:0.

10. CON2017-0001 SF-5 Single Family District to Conditional Use for a Wireless Communication Facility (temporary) Dale Miller, Metropolitan Area Planning Department, will present this request. The applicant is requesting a Conditional Use to allow the placement of a 65-foot temporary cell tower for Verizon Wireless. The subject property is zoned SF-5 Single Family (SF-5) and is located

at the Chester Lewis Learning Center, 1847 North Chautauqua Street. The Unified Zoning Code requires a Conditional Use for a wireless communication tower in the SF-5 District.

The applicant points out that Verizon Wireless had antennas located on a tower at Wichita State University, east of North Hillside Avenue, and south of East 17th Street North. Verizon was asked to vacate the tower as the university is planning on removing the structure. The school district is working with Verizon to construct a new tower at the Chester Lewis Center. Verizon Wireless will locate all their apparatus on this new tower upon its completion.

In the interim period, Verizon Wireless has requested approval of this Conditional Use to permit a temporary cell tower on wheels for a period not to exceed one year. When the new tower on the school district property is complete, Verizon will remove the temporary cell tower on wheels.

The character of the surrounding area is primarily residential. Surrounding zoning consists of TF-3 Two Family and SF-5 Single Family. The Chester Lewis Learning Center and Tabernacle Bible Church are institutional uses in this area.

RECOMMENDATION: Based upon the information available prior to the public hearings, planning staff recommends that the request be **APPROVED** subject to 4 conditions.

Comment from MAPD:

- This is a request for a 2nd temporary tower located closer to the school building.

Questions from DAB:

Q: Does the wind impact the height of the tower?

A: This would be reviewed by MABCD.

Planning Staff, Dale Miller, was available for responses.

Action Taken: Domitrovic/Roseboro made a motion to recommend that City Council approve the Conditional Use request. Motion carried 10:0.

Board Agenda

Updates, Issues and Reports

- Wilson: 9th Street construction will be exciting soon
- Mayes: The Grants Review Committee is interesting. District I will receive significant funding
- Johnson: Follow-up from the CORE workshop hosted with law enforcement will be to get parents notified that their juveniles are on the gang list
- Heflin: Appreciation feedback was received about the Police Chief from a citizen/group
- Wynne: When will volunteers have permission to pick-up displaced signs? A: Unknown
- Roseboro: WIN, Inc. general membership meeting will be the 3rd Monday of the month. Be cautious with 21st Street and Oliver construction
- James: Schweiter's days is May 20th and the Open Wichita meeting is informative
- Barnes: Topping off library ceremony was well attended. 67214 initiative conversation is taking place along with quality of life in District I

- Cousin: The Mayor's Youth Council welcomed Brandon James as adult support , the group will participate in the Law Enforcement Parade and the statewide Teen Youth Summit, the group is still working on hygiene packages for the homeless
- Williams: Bike share services are coming to Wichita, the AARP Open House at Atwater NRC was a success, call United Way at 2-1-1 to schedule taxes, there will be a voter forum for Mr. Pompeo's previous position, and my last trip to Washington, DC was with the National League of Cities

Recommended Action: Receive and file

Adjournment

Motion to adjourn

Motion made by Roseboro/James, carried 10:0.

The next District I Advisory Board meeting will be held at 6:30 p.m., March 6, 2017, at Atwater Neighborhood Resource Center, 2755 E. 19th St. N.

Guests

1. Christine Campbell
2. Heather Coulter
3. Patrick Coulter
4. Gerald Domitrovic
5. Trish Hileman
6. Paul Gray
7. Sharon Lewis
8. Terry Lewis
9. Michael Mavec
10. Brit Mitchell
11. Ron Pasmore
12. Janice Rich
13. Theresa Wells-Sjogren